

FILED**CLERK, U.S. DISTRICT COURT**1 OCT 26, 2015
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28**CENTRAL DISTRICT OF CALIFORNIA**BY: vdr DEPUTY**JS-6****UNITED STATES DISTRICT COURT****CENTRAL DISTRICT OF CALIFORNIA**

11 Park Sierra Properties II, L.P, 12 PLAINTIFF, 13 v. 14 Tanya L. Paul, et al., 15 DEFENDANTS.	Case No. CV 15-8178 FMO (SS) ORDER SUMMARILY REMANDING IMPROPERLY-REMOVED ACTION
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The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On October 19, 2015, Defendant Tanya L. Paul, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, this action could not have been originally filed in federal court because the complaint does not competently allege facts supporting either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a), see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563 (2005). Defendant's notice of removal asserts that the unlawful detainer action presents a federal question arising under the Protecting Tenants at Foreclosure Act of 2009, 12 U.S.C. section 5220 ("PTFA"), and various other federal statutes. (Notice at 3-7). However, the PTFA is only alleged as a defense. To the extent that Defendant will attempt to raise federal defenses in the unlawful detainer action, these attempts are inadequate to confer federal question jurisdiction. Merrell Dow Pharmaceuticals, Inc. v. Thompson, 478 U.S. 804, 808 (1986) ("A defense that raises a federal question is inadequate to confer federal jurisdiction."). Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior Court of California, County of Los Angeles, 300 E. Walnut St., Pasadena, CA 91101, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this Order on the parties.

IT IS SO ORDERED.

DATED: October 26, 2015

/s/
FERNANDO M. OLGUIN
UNITED STATES DISTRICT JUDGE